

REMARKS

Claims 1-25 are pending and have been restricted under 35 U.S.C. § 121 into the following three groups set forth in the Restriction Requirement mailed December 30, 2005:

Group I: Claim 1, directed to an enzyme solution;

Group II: Claims 12, 13, 15-25, directed to a method of storing a restriction enzyme; and

Group III: Claims 12, 14-25, directed to a method of storing a polymerase enzyme.

The Examiner requests that one of the groups of claims be elected for examination. Although the Restriction Requirement is traversed for the reasons set forth below, Applicants elect the claims of Group II, claims 12, 13 and 15-25, for examination.

The Restriction Requirement is traversed with respect to the division of the claims of Group II from the claims of Group III. While the claims of Groups II and III are patentably distinct, it is submitted that a thorough search of the claims of either group will likely reveal art relevant to the examination of the claims of the other group. The claims of Groups II and III are substantially the same with the exception of Group II including claim 13 (directed to storing a restriction enzyme) and Group III including claim 14 (directed to storing a polymerase). Furthermore, both groups, Group II and III, include claim 12, which is generic to a method of storing an enzyme and thus encompasses the inventions of claims 13 and 14. In other words because claim 12 encompasses the methods of claims 13 and 14, the Examiner has to search both inventions (Groups II and III) regardless which Group Applicant elects. Therefore, examination of the claims of Groups II and III together should not be an undue burden on the Examiner.



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The Examiner has additionally required that a species election be made. In particular, Claims 1, 12, 13, 14 are alleged to be generic to species of many different food colors. The Examiner has requested election of a particular species of food color or, if the solution is to contain more than one food color, an election of how many and identification of which particular ones. In response, Applicant elects, with traverse, Ponceau 4R as the species. Claims 1, 12-15, 18, and 21-24 are readable on the elected species.

In summary, Applicants elect Group II and Ponceau 4R, with traverse. The Examiner is invited to call the undersigned agent if there are any questions.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

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